

CLEARY GOTTlieb STEEN & HAMILTON LLP
One Liberty Plaza
New York, New York 10006
Telephone: (212) 225-2000
Facsimile: (212) 225-3999
Mitchell A. Lowenthal
Luke A. Barefoot

Counsel for Appellants

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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	:	
In re	:	
	:	
LEHMAN BROTHERS INC.,	:	Case No. 08-01420 (SCC) SIPA
	:	
Debtor.	:	
	:	
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**APPELLANTS' STATEMENT OF ISSUES PRESENTED ON APPEAL AND
DESIGNATION OF THE RECORD**

Appellants ANZ Securities, Inc., BMO Capital Markets Corp. (f/k/a Harris Nesbitt Corp.), BNY Mellon Capital Markets, LLC, Cabrera Capital Markets, LLC, DnB Nor Markets, Inc., BNP Paribas FS, LLC (as successor in interest to Fortis Securities, LLC, f/k/a Fortis Investment Services, LLC), nabSecurities, LLC (f/k/a nabCapital Securities, LLC), National Australia Bank Ltd., SunTrust Robinson Humphrey, Inc., and The Williams Capital Group, L.P. (collectively, the "Appellants" or "Junior Underwriters") hereby submit, in accordance with Rule 8006 of the Federal Rules of Bankruptcy Procedures (the "Federal Rules"), the following statement of issues presented on appeal and designation of items for inclusion in the appellate record with respect to the appeal from Order Granting the Trustee's One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims) of the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court") entered on

January 31, 2014 (D.I. 8177) (the “Order”). This Statement of Issues Presented on Appeal and Designation of the Record is timely pursuant to Federal Rule 8006.

STATEMENT OF ISSUES ON APPEAL

1. Whether the Bankruptcy Court erred in holding that the Appellants’ claims were subordinated pursuant to 11 U.S.C. § 510(b), where such claims are for contribution on account of damages claims arising from the purchase of securities that were not issued by the debtor, but rather by its parent corporation that was not a party to the liquidation proceeding under the Securities Investor Protection Act and, consequently, whose securities did not represent any claims or interests in that proceeding.

2. Whether the Bankruptcy Court erred in finding that the Appellants’ contractual claims for contribution themselves constituted the “claims ... represented by such security” for purposes of 11 U.S.C. § 510(b).

3. Whether the Bankruptcy Court erred in holding that the Appellants’ claims were subordinated to all general unsecured creditors of Lehman Brothers Inc. pursuant to 11 U.S.C. § 510(b) without reference to the securities on which Appellants’ contribution claims are based.

DESIGNATION OF RECORD

Appellants submit the following items for inclusion in the record on appeal. Each designated item shall also include any and all attachments and/or exhibits to such item.

Item Number	Description	Docket Date	Docket Number
1.	Order Approving Settlement Agreement between the Trustee and the LBHI Entities	04/16/2013	6020
2.	Notice of Resolution of Trustee's Seventy-Ninth Omnibus Objection to General Creditor Claims (No Liability Claims)	06/25/2013	6595
3.	The Trustee's One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims)	07/12/2013	6768
4.	Notice of Adjournment of Hearing on Trustee's One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims) Solely as to Certain Claims	08/22/2013	7088
5.	Certificate of No Objection under 28 U.S.C. § 1746 Regarding Trustee's One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims) Solely as to Certain Claims	08/22/2013	7107
6.	Notice of Adjournment of Hearing on Trustee's One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims) Solely as to Certain Claims	08/27/2013	7130
7.	The Trustee's One Hundred Thirty-First Omnibus Objection to General Creditor Claims (Employee Equity Claims)	08/29/2013	7158

8.	Notice of Withdrawal of Certificate of No Objection under 28 U.S.C. § 1746 Regarding Trustee's One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims) Solely as to Certain Claims	08/29/2013	7160
9.	Declaration of Hayden McNamara in Support of the Junior Underwriters' Response to the Trustee's One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims)	09/09/2013	7194
10.	Declaration of Michael G. Zeiss in Support of the Junior Underwriters' Response to the Trustee's One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims)	09/09/2013	7195
11.	Declaration of Julie Lauck in Support of the Junior Underwriters' Response to the Trustee's One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims)	09/09/2013	7196
12.	Declaration of Jonathan R. Goldblatt in Support of the Junior Underwriters' Response to the Trustee's One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims)	09/09/2013	7197
13.	Declaration of William Nurthen in Support of the Junior Underwriters' Response to the Trustee's One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims)	09/09/2013	7198
14.	Declaration of Andrew Druch in Support of the Junior Underwriters' Response to the Trustee's One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims)	09/09/2013	7199

15.	Declaration of Mark Jensen in Support of the Junior Underwriters' Response to the Trustee's One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims) ¹	09/09/2013	7200
16.	Declaration of Richard Rauchenberger in Support of the Junior Underwriters' Response to the Trustee's One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims)	09/09/2013	7201
17.	Declaration of Woodruff Polk in Support of the Junior Underwriters' Response to the Trustee's One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims)	09/09/2013	7202
18.	Declaration of Patrick Wo in Support of the Junior Underwriters' Response to the Trustee's One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims)	09/09/2013	7203
19.	Declaration of Peter Fox in Support of the Junior Underwriters' Response to the Trustee's One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims)	09/09/2013	7204
20.	Response of Underwriter Claimants to the Trustee's One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims)	09/09/2013	7205
21.	Response of UBS Financial Services Inc. to the Trustee's One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims)	09/09/2013	7206

¹ The claim of National Financial Services, LLC, assigned claim number 5673, was subordinated pursuant to the Order, but National Financial Services, LLC is not participating in this appeal.

22.	Declaration of Kenneth G. Crowley in Support of the Junior Underwriters' Response to the Trustee's One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims)	09/09/2013	7207
23.	Notice of Adjournment of Hearing on Trustee's One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims) Solely as to Certain Claims	09/23/2013	7329
24.	Notice of Adjournment of Hearing on Trustee's One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims) Solely as to Certain Claims	10/18/2013	7473
25.	Trustee's Motion for an Order (1) Confirming the Trustee's Denial of SIPA Customer Status to Claren Road Credit Master Fund Ltd. Customer Claim No. 900005056, and (2) Subordinating the Claim Pursuant to Bankruptcy Code Section 510(b)	10/25/2013	7539
26.	Declaration of Ramsey Chamie in Support of the Trustee's Motion for an Order (1) Confirming the Trustee's Denial of SIPA Customer Status to Claren Road Credit Master Fund Ltd. Customer Claim No. 900005056, and (2) Subordinating the Claim Pursuant to Bankruptcy Code Section 510(b)	10/25/2013	7540
27.	Objection to Trustee's Motion for an Order (1) Confirming the Trustee's Denial of SIPA Customer Status to Claren Road Credit Master Fund Ltd. Customer Claim No. 900005056, and (2) Subordinating the Claim Pursuant to Bankruptcy Code Section 510(b)	11/08/2013	7625

28.	Notice of Adjournment of Hearing on Motion for an Order (1) Confirming the Trustee's Denial of SIPA Customer Status to Claren Road Credit Master Fund Ltd. Customer Claim No. 900005056, and (2) Subordinating the Claim Pursuant to Bankruptcy Code Section 510(b)	11/18/2013	7678
29.	The Trustee's Omnibus Reply in Support of the One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims)	12/18/2013	7920
30.	Reply in Further Support of the Trustee's Motion for an Order (1) Confirming the Trustee's Denial of SIPA Customer Status to Claren Road Credit Master Fund Ltd. Customer Claim No. 900005056, and (2) Subordinating the Claim Pursuant to Bankruptcy Code Section 510(b)	12/20/2013	7944
31.	Reply Declaration of Dina R. Hoffer in Further Support of the Trustee's Motion for an Order (1) Confirming the Trustee's Denial of SIPA Customer Status to Claren Road Credit Master Fund Ltd. Customer Claim No. 900005056, and (2) Subordinating the Claim Pursuant to Bankruptcy Code Section 510(b)	12/20/2013	7945
32.	Memorandum Opinion Authorizing and Directing the Subordination of Claims of Claren Road Credit Master Fund Ltd. and Certain Underwriters	01/31/2014	8127
33.	Order Confirming the Trustee's Determination of Claren Road Credit Master Fund Ltd. Customer Claim No. 900005056	01/31/2014	8176
34.	Order Granting the Trustee's One Hundred Fourth Omnibus Objection to General Creditor Claims (No Liability Claims)	01/31/2014	8177

35.	Notice of Appeal of Claren Road Credit Master Fund Ltd. from Order Confirming the Trustee's Determination of Claren Road Credit Master Fund Ltd. Customer Claim No. 900005056	02/10/2014	8212
36.	Notice of Appeal of the Junior Underwriters	02/14/2014	8237
37.	Notice of Appeal of UBS Financial Services Inc.	02/14/2014	8239
38.	Trustee's Tenth Interim Report for the Period June 15, 2013 through February 14, 2014	02/14/2014	8250
39.	Transcript Regarding Hearing Held on 1/8/2014 10:02AM	02/18/2014	8252
40.	Appellant Claren Road Credit Master Fund Ltd.'s Statement of Issues Presented on Appeal and Designation of the Record	02/18/2014	8253

Dated: New York, New York
February 28, 2014

CLEARY GOTTlieb STEEN & HAMILTON LLP

By: /s/ Luke A. Barefoot
Mitchell A. Lowenthal
Luke A. Barefoot

One Liberty Plaza
New York, New York 10006
Telephone: (212) 225-2000
Facsimile: (212) 225-3999

Counsel for Appellants